

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

JOSEPH DOBBINS,

Plaintiff,

v.

CIVIL ACTION NO. 1:13-31843

MCDOWELL COUNTY CORRECTIONAL CENTER,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Findings and Recommendation ("PF&R") on October 4, 2016, in which he recommended that the District Court deny Plaintiff's Application to Proceed Without Prepayment of Fees and Costs (Doc. No. 8), dismiss Plaintiff's Complaint and Amended Complaint (Doc. Nos. 1 and 9), and remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Aboulhosn's Findings and Recommendation. The failure of any party to file such objections constitutes a waiver of such


party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to the Magistrate Judge's Findings and Recommendation within the seventeen-day period. Having reviewed the Findings and Recommendation filed by Magistrate Judge Aboulhosn, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **DENIES** Plaintiff's Application to Proceed Without Prepayment of Fees and Costs (Doc. No. 8), **DISMISSES** Plaintiff's Complaint and Amended Complaint (Doc. Nos. 1 and 9), and **DIRECTS** the Clerk to remove this matter from the court's active docket.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to Plaintiff and counsel of record.

IT IS SO ORDERED this 1st day of December, 2016.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge